App F IX 4

Previous References

1947 48
(ml)

File No 40-47
Serial Nos 114, 115

Later References
ML 41-47(57,58)

GENERAL AND REVENUE SECRETARIAT

Serial Nos
- 140

Part B for

SUBJECT

Election of Mr B. G Limaye
Vice-President Chickmagalur
~~Town~~ Town Municipal Council, Chickmagalur

K 12145 dt 26.12-47

The Commissioner
N Division, Mc -

974/mk

Copy of petition dated 6.8.47 from Ten municipal councillors of ~~Jaunpur~~ Chandauli town to the D.C., Kashi with objection against validity of the election of Mr. B.G. Kar as president of the Local Municipal Co

---

1) For orders if the Report from the D Kashi Dh may be awaited

Chg 18/8/47 JM

2) Have we need to report ~~if~~ election if Mr. Limaye municipal president ~~if~~ Chandauli ~~Jaunpur~~ ? for 18/8/47

3) The Report of election has not yet been received from the D.C

No JM - 19/8

4) The receipt will be awaited ~~awaited~~ for 19/8/47

Cx 1/17

Secy A-3947

5) Yes 24/8/47 for 25/8/47

P.T.O

From ~~the~~

The Deputy Commissioner

Chickmagalur district, Chickmagalur.

Letter No A3-C-395-R 47/47-48 dated 23-11-47)

Requests approval for the election of Mr B G Lingappa, as the Vice-President of the Town Municipal Council Chickmagalur and that the election may be notified in the Mysore Gazette

6) Subd: The Deputy Commissioner, Chickmagalur states that one objection petition was received on 6-8-47 from Mr A G Narayan Naik and others contesting the validity of the election of Mr B G Lingappa as Vice president on the ground that ~~the~~ Mr Lingappa ~~is the Contractor of~~ has sublet a tender for the construction the Ayurvedic dispensary at Basavanahalli partly financed by the Mty and that Mr Lingappa has used influence in securing votes Both the parties were heard by Counsel on the grounds urged in the objection petition and it is found

7) It is stated that the construction of the said dispensary is executed by the P.W.D. staff, that the tender of Mr Lingappa is not

974 ✓ 2718

Re election of Mr B G Lingaiah as vice president of the Mulbagal Check magistrate

is not yet accepted, that Mr Lingaiah has intimated to the P W Dept his inability to take up the work and that he has produced a letter from the Superintending Engineer, Shimoga acknowledging receipt of his representation declining to take up the said work

A

8) The deputy commissioner opines as the tender of Mr Lingaiah is not yet accepted & the works not entrusted, he has not acquired any share or interest in the work and that even if the presentation of the tender is considered as an attempt, that such attempt does not disqualify him from becoming or continuing as a member

9) The recommendation of the deputy commissioner Mulbagal check magistrate is for orders

10) The statement made at A supra is true, as a recommendation has been received from the Dy Commr to the effect that Mr B G Lingaiah may

11)

12)

13)

2718/M — 1182

16) The Law Section have accepted the opinion of the administrative Branch to the effect that no [illegible] of Sangama has not incurred any disqualification from being elected as President of the Chittamalchu Panchayat. His election may therefore be approved

newsey for 12/12/47

17) 2 agree

Ministry 21-5-8

Approved ac 19/12/47

15/12/47 for 16/12/47

20/12

THE INSTITUTE OF LOCAL SELF GOVERNMENT
No 545
Date 20 12 47

TYPING SECTION
23 DEC 1947

19) Sulochana writes a draft Notification for appt

22/12 Pr 22 12 47

Appointment for 24/12/47

to

The Dy Commr Chittamalchu Dt

No L 12145/M 40-47-115 of 26-12-47)

Sanctions the election of Mr B S Sangama as vice Pch Chittamalchu MC

B 5/1/48

To.

The Deputy Commissioner,
Kadur District,
Chikmagalur

Petitioners - 1) G Abdul Rahiman Muncipal Councillor, and
2) A G Narayana Naidu Muncipal Councillor, and
3) T Chouse Mohideen, Muncipal Councillor,
All residents of Chikmagalur

The above mentioned petitioners beg to submit as follows:-

1) That on 31-7-47 A Muncipal meeting of Chikmagalur Town Muncipal Council was convened for the purpose of electing a Vice-president

2) That one Mr B.G. Linganna was a candidate and the Ist Petitioner was also a contesting candidate and in the said election the said Mr B G Linganna was declared to have secured higher votes

3) That the petitioners submit Mr B G Linganna cannot under-law for the Vice presidentship and much less could he be a councillor as the said Mr B G Linganna is contrator of the Muncipal building in the Ayurvedic Unani Hospital to be newly built out of the Muncipal funds and also of contribution from Mysore Krishna Setty 4) That under the above circumstances the said Mr B G Linganna under the Muncipal regulations is not qualified to stand either as a councillor or much less as a candidate for a Muncipal Vice-presidentship 5) That moreover on the date of election also the said candidate used undue influence in securing votes 6) Therefore under the circumstances the election as Vice-presidentship of the said Mr G Linganna be set aside and also he be disnembered from the Council

Chikmagalur
Dated 6-8-1947

G Abdul Rahiman
A G Narayana Naik,
T Gubbi Mohideen

Copy to
To The Chief Secretary to Govt of Mysore
in Mysore - Bangalore

GOVERNMENT OF MYSORE
RECEIVED
14 AUG 1947
S G BRANCH

CHIEF SECRETARY
Rev Secy
11 AUG 1947
GOVT OF MYSORE

No 3-C-295-P-R 47/47-48
Encls Records

Office of the Deputy Commi
Chikm galur District,
Date Chikmagalur the 23rd

To

The Secretary
to the Government of y ore,
Revenue Department, Bangalore

Subject Election of the Vice President in the Town unicipal Council, Chikmagalur

In forwarding herewith the file of correspondence rel ting to the above subject, I have the honour to st te th t the election of the Vice President took place on 31/7/1947 at a speci l meeting of the Council There were four candidates for the Vice Presicent=ship, M/s A G Narayana Naik, H ' Rudrappasastry,' G Abdul R himan and B G Linganna Mr Narayana Naik withdrew his candidature Mr Rudrappa Sastry was eliminated in the first round, as he secured only 5 votes against 7 secured by each of the other two In the second round, Mr G Abdul Rahiman got only 8 votes against 12 secured by Mr Linganna Mr B G Linganna was therefore declared elected s Vice President

2 On 6th August 1947, three municipal councillors, M/s Narayana Naik, G Abdul R himan and T Ghouse ohideen, filed an objection petition in this office, under Rule 12 of the Rules for the election of the Vice President in the Town Municipal Councils The grounds on which the validit of the election was contested were

a) th t Mr B C Linganna cannot be a Vice President - much less a councillor - as he is the contractor for the construc -tion of the Ayurvedic Dispensary at Basav naha li, Chikmagalur, which work is partly financed by the Municipality,

b) that Mr Linganna used undue influence in securing votes in the election on 31/7/1947

3 The petition was thereupon posted for enquiry and both the petitioners and Mr B C Linganna were heard through their counsels on 5/11/1947

(T C)

4 The petitioners contended that, as Mr B G Linganna has put in his tender for the construction of an Ayurvedic Dispensary, for which the Municipal Council have contributed, he is disqualified from becoming a member even, as under Section 12 (1) (B) (b) of the - Town Municipalities Act, "no person, who has directly or indirectly, by himself or his partner, any share or interest, in any work done, by the order of a Municipal Council, or in any contract or employment with, or under, or by or on behalf of a Municipal Council, may be a member of such Municipal Council " The Petitioners did not press the second ground on which the validity of the - election is contested, viz , the use of undue influence by Mr Linganna, in securing the votes

5 It was contended on behalf of Mr B G Linganna, that - (1) the ~~xxxxx~~ construction of the Ayurvedic Dispensary is not a work done by or on behalf of or under the agency of the Municipal Council, as the tender for the work was called for by the Public Works Department, (2) that the tender put in by Mr Lingarna, on 11th September 1946 (i e , long before the date of the election to the Municipal Council), has not yet been accepted by the Public Works Department, (3) that the work is not yet entrusted to the tenderer, (4) that Mr Lingarna has not, therefore, acquired any share or interest in any Municipal work, and (5) that the objection, if any, regarding the disqualification from becoming a member of the Municipal Council should have been raised immediately after the general elections held in April 1947

6 In reply to the above, it was argued on ~~xxxx~~ behalf of the petitioners that (1) even if the tender of Mr Linganna has not yet been accepted, there was an attempt by Mr Linganna to acquire a share or interest in the work executed ~~xxx~~ on behalf of the Municipal Council, (2) that the work in question should be treated as a work done on behalf of the Municipal council, as, though the work is entrusted to the Public Works Department, the P W D acts only as the agent of the Municipality, and (3) that there was no need to raise the objection regarding the disqualification, earlier, as under Section 12 (1), "if any person is -

elected

elected or nominated as a councillor in contravention of the provisions contained therein, his seat shall be deemed to be vacant "

7 In this connection, I am to state that the construction of the Ayurvedic Dispensary at Basavanahalli is being executed by the Public Works Department A portion of the estimated cost viz , Rs 3000/- was donated by M/s Mysore Krishnaiah Setty & Sons and the balance is proposed to be met out of the municipal funds The total cost of the estimate is Rs 7,835/- as sanctioned in G O.No L 1974-80/Ml 185-45-2 dated 2/8/1946 But the amount of the lowest tender (as called for by the Public Works Department), is Rs 8,291/-, and the Government have, in their letter No,L 16225 dated 20/5/1947, called for a resolution of the Municipal Council agreeing to bear the excess expenditure over the sanctioned estimate This resolution ~~of the Municipal Council~~ is not yet received from the Municipal Council The tender of Mr B G Linganna, which is the lowest, has not, therefore, been accepted so far and the work is not yet entrusted to anybody The Executive Engineer, Chikmagalur Division, recommended the acceptance of the tender of Mr B G Linganna, only after consulting the Municipal Council, who resolved on 20/2/1947, that the choice of the contractor is entirely at the discretion of the Public Works Department In the meanwhile, Mr B G Linganna has intimated to the Public Works Department on 5/7/1947, his inability to take up the work as per his tender dated 11/9/1946 Mr Linganna has produced a letter No 455 dated 20/10/1947, from the Superintending Engineer, Shimoga Circle, Shimoga, acknowledging his representation

8 As the tender of Mr Linganna is not yet accepted and as the work is not yet entrusted to him, I am of opinion that he has not acquired an share or interest in the work in question, as contemplated either in Section 12 (1) (B) (b) or Section 12 (2) (B) (i) of the Town Municipalities Act Even if the presentation of the tender is considered as an attempt to acquire any such share or interest, as contended by the petitioners, I am of opinion that such attempt is not covered by either of these sub-sections

and does not disqualify a person from becoming a member

In the circumstances, I request that the approval of the Government may kindly be obtained for the election of Mr B G Linganna, as the Vice President, and that the election may be notified in the Gazette as required by rules

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
Chikmagalur District

S/G)

L 12/46/ml 40-47-115

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 26/12/47

NOTIFICATION

Under Section 23 (4) of the Mysore ~~Section 10 (4) of the Mysore~~ Town Municipalities Act 1933 ~~Minor Municipalities Act 1933~~

Mr B G Linganna is elected Vice President of the Chickmagalur Town Municipal Council ~~Minor Municipal Council~~ - Chickmagalur - District

By Order

Secretary to Government
Revenue ~~Law~~ Department

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District Concerned

MEMO NO L 12/46

Copy ~~to~~ of the above is forward with comliments to the Deputy Commissioner Chickmagalur District for information with reference to his letter No ASC 395 PR 47-48 dated 23-11-1947 The records accompany

By Order

For Secretary to Government
Revenue ~~Law~~ Department

68 24/1

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 12457/mt 40-47-115 General and Revenue Secretariat
Dated Bangalore 26 12 194

NOTIFICATION

Under Section 23(4) of the Mysore Town Municipalities Act, 1933. Mr P G.Linganna is elected Vice President of the Chickmagalur Town Municipal Council, Chickmagalur District.

By Order,

K Bala Subramanyam
for Secretary to Government,
Revenue Department

To

The Compiler, Mysore Gazette for publication in Part III-3 of gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District Concerned.

LC/6